

EXHIBIT C

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA

FILED

ELIZABETH J. VANCLEAVE and KATHERINE
HASSAN, individually and on behalf of a class of
similarly situated individuals,

Plaintiff,

vs.

ABBOTT LABORATORIES,

Defendants.

Case No. 19CV345045

FEB 21 2025

VERDICT FORM

CLERK OF THE COURT

 Deputy Clerk

Department: 7

Judge: Hon. Charles F. Adams

T. DUARTE

Trial Date: January 22, 2025

Section I: Consumer Legal Remedies Act**QUESTION 1**

Do you find that Plaintiffs established, by a preponderance of the evidence, that Abbott falsely or misleadingly represented PediaSure in a manner likely to deceive the public through the following label statements?

Please answer separately for each statement identified below.

- | | | |
|---|-----------|------------------------|
| A. "Complete, Balanced Nutrition" | Yes _____ | No <u>X</u> |
| B. "Balanced Nutrition to Help Fill Gaps" | Yes _____ | No <u>X</u> |
| C. "Nutrition to help kids grow" | Yes _____ | No <u>X</u> |
| D. "Use as part of a healthy diet" | Yes _____ | No <u>X</u> |

QUESTION 2

Do you find that Plaintiffs established, by a preponderance of the evidence, that the following label statements were material to reasonable consumers' decisions to buy PediaSure?

Please answer separately for each statement identified below.

- | | | |
|---|-----------|------------------------|
| A. "Complete, Balanced Nutrition" | Yes _____ | No <u>X</u> |
| B. "Balanced Nutrition to Help Fill Gaps" | Yes _____ | No <u>X</u> |
| C. "Nutrition to help kids grow" | Yes _____ | No <u>X</u> |
| D. "Use as part of a healthy diet" | Yes _____ | No <u>X</u> |

QUESTION 3

Do you find that Plaintiffs established, by a preponderance of the evidence, that Plaintiffs were harmed in their purchase of PediaSure products bearing the following statements?

Please answer separately for each statement identified below.

- | | | |
|---|-----------|------------------------|
| A. "Complete, Balanced Nutrition" | Yes _____ | No <u>X</u> |
| B. "Balanced Nutrition to Help Fill Gaps" | Yes _____ | No <u>X</u> |

QUESTION 4

Do you find that Plaintiffs established, by a preponderance of the evidence, that Plaintiffs were harmed in purchasing PediaSure as a result of Abbott's use of the following label statements?

Please answer separately for each statement identified below.

- | | | |
|---|-----------|------------------------|
| A. "Complete, Balanced Nutrition" | Yes _____ | No <u>X</u> |
| B. "Balanced Nutrition to Help Fill Gaps" | Yes _____ | No <u>X</u> |

Please proceed to Section II on page 2 of this verdict form.

Section II: Express and Implied Warranties**QUESTION 5**

Do you find that Plaintiffs established, by a preponderance of the evidence, that the following label statements constitute statements of fact or promises that Abbott made about the PediaSure products?

Please answer separately for each statement identified below.

A. "Complete, Balanced Nutrition" Yes X No _____
 B. "Balanced Nutrition to Help Fill Gaps" Yes X No _____

QUESTION 6

Do you find that Plaintiffs established, by a preponderance of the evidence, that PediaSure did not conform to Abbott's statements of fact or promises made by the following label statements?

Please answer separately for each statement identified below.

A. "Complete, Balanced Nutrition" Yes _____ No X
 B. "Balanced Nutrition to Help Fill Gaps" Yes _____ No X

QUESTION 7

Do you find that Plaintiffs established, by a preponderance of the evidence, that Plaintiffs were harmed in their purchase of PediaSure products bearing the following statements?

Please answer separately for each statement identified below.

A. "Complete, Balanced Nutrition" Yes _____ No X
 B. "Balanced Nutrition to Help Fill Gaps" Yes _____ No X

QUESTION 8

Do you find that Plaintiffs established, by a preponderance of the evidence, that the failure of PediaSure to be as represented was a substantial factor in causing Plaintiffs' harm?

Please answer separately for each statement identified below.

A. "Complete, Balanced Nutrition" Yes _____ No X
 B. "Balanced Nutrition to Help Fill Gaps" Yes _____ No X

If, for either the statement "Complete, Balanced Nutrition" or "Balanced Nutrition to Help Fill Gaps," you selected "Yes" to every question in Section I or every question in Section II, then please proceed to Section III on page 3 of this verdict form.

Otherwise, DO NOT complete Section III, and instead proceed to the signature line on page 4, sign and date the verdict form, and return it to the Court.

Section III: Damages**QUESTION 9**

Part A: If, for the statement "Complete, Balanced Nutrition," you selected "Yes" to every question in Section I and/or Section II, please answer the following questions:

- (1) Do you find that Plaintiffs established, by a preponderance of the evidence, that Plaintiffs paid a price premium for PediaSure based on the statement "Complete, Balanced Nutrition," and are thus entitled to a partial refund of the value of PediaSure?

Yes _____ No _____

- (2) If you selected "Yes" for Part A(1) above, fill in below the amount in dollars that Plaintiffs proved was the amount that the Subclass is entitled to as a partial refund due to the "Complete, Balanced Nutrition" statement. If you selected "No" for Part A(1), you must go to Part B and leave this answer blank.

\$ _____

Part B: If, for the statement "Balanced Nutrition to Help Fill Gaps," you selected "Yes" to every question in Section I and/or Section II, please answer the following questions.

- (1) Do you find that Plaintiffs established, by a preponderance of the evidence, that Plaintiffs paid a price premium for PediaSure based on the statement "Balanced Nutrition to Help Fill Gaps," and are thus entitled to a partial refund of the value of PediaSure?

Yes _____ No _____

- (2) If you selected "Yes" for Part B(1) above, fill in below the amount in dollars that Plaintiffs proved was the amount they are entitled to as a partial refund due to the "Balanced Nutrition to Help Fill Gaps" statement. If you selected "No" for Part B(1), you must leave this answer blank.

\$ _____

Please proceed to the signature line on page 4, sign and date the verdict form, and return it to the Court.

1 Please ensure that you have complied with the instructions in this form and answered all questions that
2 these instructions directed you to complete. Then please have the Foreperson sign and date this form
3 below. After signing the form, please notify the staff that a verdict has been reached.

4 Date: Feb 20, 2025

Redacted
Juror #2

5 Signature of Foreperson